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ABSTRACT

Comparing the Nigerian press during the colonial period of British rule and the post-independence period, a case study examined two press laws: the Newspaper Ordinance No. 10 of 1903, and Decree No. 4 of 1984 (Public Officers Protection against False Accusation Decree). Using qualitative research methodology, the study investigated how the indigenous population reacted to the press laws. The Newspaper Ordinance law was selected because it was the first newspaper law enacted by the colonial government. Decree No. 4 was selected because it embodied all previously enacted post-independence press laws. Both laws were enacted by an authoritarian form of government--a colonialist/imperialist regime in one instance and a military dictatorship in the other. Analysis indicated that the introduction of the first press law met with public resentment similar to the public opposition to the press law enacted by the Muhammadu Buhari military regime. The objectives of the press laws were found to be about the same, and the rationales for public resentment of the laws were congruent. Also, the public had similar reactions to both press laws, and used the press (especially the letters-to-the-editor columns) to express their resentment. (Five pages of footnotes are attached.) (MM)

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NIGERIAN PRESS UNDER IMPERIALISTS AND DICTATORS, 1903-1985

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This study identifies a similarity between British colonial government and military governments in Nigeria. Both were authoritarian in nature. The governed were excluded from the decision-making process -- through elected representatives -- in the making of laws of the land, including those that regulated the press.

The primary purpose of this study is to find out how the governed reacted to the introduction and enforcement of the press laws passed by the alien colonial and indigenous military governments at periods when the masses were excluded from the decision-making process. The study particularly seeks to find out whether the governed reacted more favorably to those laws when they were enacted by indigenous governors as opposed to when they were enacted by alien political authorities. It also examines the factors that helped shape the laws as well as the laws' objectives. The differences among the laws are also described.

The major conclusion is that the indigenous population -- the governed -- resented the introduction of press laws by alien political authorities with the same vehemence that they opposed the laws promulgated by indigenous military dictators at periods when the governed were excluded from participating in the decision-making process of affairs that affected them. The study also concludes that even though the governed were excluded from the decison-making process through elected representatives, they nevertheless took their opposition of those press laws to the "people's parliament," the letter-to -the-editor column of the newspaper press.

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INTRODUCTION

Nigerian journalism history is clearly divisible into two major periods -- the colonial, which is the period essentially marked by British imperialism, and the post-independence, the period that followed the dawn of independence essentially characterized by military rule.[1] The former begins from 1859 when the first newspaper, Iwe Irohin,[2] was established and the latter begins from October 1, 1960, the date Nigeria became an independent nation. During these two periods of Nigerian journalism history, the governors drafted and enacted laws that limited freedom of the press.

In the colonial period, such laws were imported and forced down on the governed. For example, the Official Secrets Ordinance No. 2 of 1891 was an adaption from the Official Secrets Act of the United Kingdom;[3] Governor MacGregor's Newspaper Ordinance of 1903 was an 1894 law for regulating newspaper printing and publishing in Trinidad,[4] and Governor Egerton's Seditious Offences Ordinance of 1909 amounted to a transplantation, for the most part, of Indian legislation.[5] In other words, the colonial period witnessed the introduction of press laws by alien political authorities.

In the post-independence period, press laws were enacted by indigenous political authorities. Some of the laws were enacted by democratically elected officials representing the various constituencies of the governed. Others were enacted by military governments which came to power without the mandate of the

governed.

Clearly, there is a similarity between the alien (colonial) government and the military governments of the post independence period. Both were authoritarian in nature, and ruled without the consent and mandate of the governed. That colonialism, colonial government, militarism and military government are authoritarian in nature is a point that hardly calls for any intellectual debate. Of the authoritarian nature of colonial government in particular, Michael Crowder wrote:

> Colonial governors enjoyed very wide powers without brakes from below. Even in British Africa where some territories had legislative councils these were dominated by an official majority which could be relied on to vote as solidly for any new policy or programme introduced by the Governor as the legislators in today's one party states. In many territories the colonial Governor ruled by decree or proclamation and even where he had an executive council his decision on policy was overriding....In the British territories, he alone was allowed to use red ink to minute or sign official documents.[6]

As such therefore, the masses did not participate -- through elected representatives -- in the making of the laws that regulated the press during the administrations of both forms of authoritarian government.

We thought it will be interesting to examine how the indigenous population reacted to press laws enacted by the alien and indigenous authoritarian governments during the two journalism history periods. Did the governed welcome or oppose the introduction of the press laws in which they did not participate in drafting? Did they react differently when the laws were introduced by indigenous political authorities? If

they welcomed or resented the laws, in what ways did they express their feelings. This, is the primary interest of this study. In addition, this study will attempt to answer the following research questions: i) Were there any similarities or dissimilarities in the ways the masses supported or resented the press laws? ii) What factors or variables helped shape the laws? What rationales accounted for support or resentment of the laws? iii) What were the intended overt and covert objectives of the press laws? By overt objective, we mean the objective as stated openly by the government. By covert objective, we mean other intended objectives of the law not publicly or openly stated: ulterior objectives.

To answer these questions, two press laws -- one from the colonial and the other from the post-independence periods -- will be examined for a case study, using a qualitative research methodology. The values of case studies in understanding phenomena, have been well documented by social science researchers.[7] The press laws to be examined for the case study are the Newspapers Ordinance (No. 10) of 1903 and Decree No. 4 of 1984 (Public Officers Protection Against False Accusation Decree). The rationale for selecting the former is that it was the first newspaper law enacted by the colonial government. Decree No. 4 of 1984 is selected (for the post-independence period) because it embodied all previously enacted post-independence press laws. It was also enacted by a military regime, an authoritarian form of government.

ALIEN AUTHORITARIAN RULE

Alien authoritarian (colonial) rule in Nigeria lasted for about a century, starting from 1861, the year that Britain had her first foothold in the country, following the cession of Lagos Island with its environs by the local king, Docemo, to the British Crown.[8] By 1900, Nigeria existed as three separate administrative entities: the Colony and Protectorate of Lagos, the Protectorate of Southern Nigeria, and the Protectorate of Northern Nigeria. In 1906, the Colony and Protectorate of Lagos and the Protectorate of Southern Nigeria were amalgamated to form the Colony and Protectorate of Southern Nigeria. In 1914, the colony and Protectorate of Southern Nigeria and the Protectorate of Northern Nigeria were amalgamated by Sir Frederick Lugard in a landmark administrative policy that ushered in the birth of modern Nigeria.

Colonial press law

When Britain gained her first foothold in Nigeria in 1861, and during the second half of the nineteenth century, several newspapers existed in Nigeria. Notably enough, however, no formal measures were taken to regulate newspaper publication. In matters of libel or offences against the government arising from newspaper publications, the laws of the United Kingdom applied to the Colony of Lagos with only slight modifications dictated by circumstances in the colony. However, a few laws were passed by the Colony's Legislative Council that could have affected the press. They included the Criminal Procedure Ordinance, No, 5 of

1876; the Official Secrets Act of the United Kingdom; the Slander of Women Ordinance, No. 12 of 1900 and the Wireless Telegraph Ordinance of 1903.[9] Some governors, however, made abortive attempts to introduce special press laws. For example, when Governor H.S.Freeman learned that the Anglo-African was about to be established in Lagos in 1862, he made efforts to impose a newspaper tax in the colony.

The first law to regulate newspaper publication was introduced in 1903, with the enactment of the Newspaper Ordinance (No. 10 of 1903). The law required prospective newspaper proprietors to make, sign and swear an affidavit containing the address and the real and true names and addresses of its proprietors, printers and publishers. It further required them to execute a bond for two hundred and fifty pounds with one or more sureties.[10]

The law provided that:

> From and after the commencement of this Ordinance no person shall print or publish or cause to be printed or published within this colony any newspaper unless he shave have previously
> 1) made, signed and sworn before any police magistrate or Distinct Commissioner or any Commissioner of Oaths or registered in the office of the Chief Registrar of the Supreme Court an affidavit containing the several matters and things following, that is to say
> a) the correct title or name of the newspaper,
> b) a true description of the house or building wherein such newspaper is intended to be printed and
> c) the real and true names of abode of the person or persons intended to be the printer or printers, publisher or publishers, proprietor or proprietors of the same; and
> 2) given and executed and registered in the Office of the Chief Registrar of the Supreme Court a bond in the sum of two hundred and fifty pounds with one or more sureties as may be required and approved by the Attorney General on condition that such printer or printers, publisher or publishers, proprietor or

proprietors, shall pay to His Majesty, His Heirs and Successors every penalty which may at any time be imposed upon or adjudged against him or them ....[11]

At first the government required that prospective printers or proprietors should deposit five hundred pounds as a caution fee. But when the final form of the law was drafted the amount was reduced to two hundred and fifty pounds.

The law's essence

Why did the colonial government introduce the law? The overt (official) government objective for introducing the law was made public in the Legislative Council debates. The government explained that the law was a measure to check frequent libels, and denied that it was an attempt to interfere with freedom of the press. In the Legislative Council debates, Governor MacGregor justified the law as a measure to deal with blasphemous, seditious and other forms of libel and added that the law's essence was to make the press responsible.[12]

But it must be noted that there were ulterior objectives of the law that warranted its enactment. The colonial government, lacking the mandate of the governed, sought to remain in power longer by introducing a measure to regulate and control the press, and therefore, press criticism of its policies and actions. For, the newspaper was the weapon with which educated Africans of the time, the literati, criticized the whole idea of colonial rule and imperial policies. It was also the medium through which educated Africans sought to undermine the authority, dignity and intergrity of colonial governors and their

officers. Omu made a similar point when he said:

> The heightened tone of press criticism which marked political opposition from the last years of the nineteenth century to the eve of the first World War could not but irritate the colonial administration. The policies and persons of the governors were attacked unceasingly .... Governor Henry McCullum apparently rode out the newspaper storm but his successor, William MacGregor was less accommodating and must have wished he could control the newspapers.[13]

The Government feared that unchecked press criticism could poison the minds of the illiterate masses and do untold damage to the continuing system of rule imposed by the British government.

Another covert essence of the law was to prevent the press from being a successful economic enterprise. That, was the essence of Governor H.S. Freeman's desire to draft a tax law when he learned that the Anglo-African was about to be established in Lagos in 1862. Professor Tamuno also provides some insight to the Law's essence in his examination of the effects of the first newspaper Law. He notes that the Newspaper Ordinance of 1903 militated against the financial prosperity of the press, adding: "as this law with the two hundred and fifty pounds bond made the newspaper business in Lagos more expensive, so it checked the previous tendency towards the proliferation of newspapers ...."[14] The restrictive nature of a similar law in Trinidad was responsible for the death of the Tobago News because its proprietor was unable to furnish the amount of two hundred pounds in the form of a bond. The colonial government sought to introduce the law in order to prevent the indigenous press from flowering and prospering.

The law must also have been introduced in disdain of the fundamental human rights of the inhabitants of the colony, and to reinforce the colonial concept that they were an inferior class of homo sapiens. Even though they were British subjects, the government refused to follow British practice over the issue of newspaper bonds and freedom of the press. In an explanation of the law's essence, one of the Nigerian unofficial members of the Legislative Council, C. A. Sapara Williams, argued that: "The Bill seems to savour of class legislation." Introduced into the Legislative Council on April 23, 1902, the law was passed on October 5, 1903 amid a torrent of reactions from the indigenous inhabitants of the colony.

Public reactions

Right from its embryonic stage, the law met with stiff opposition from the Nigerian unofficial members of the Legislative Council, the press and the public at large. At the law's proposal stage, the Lagos Standard, wrote a speculatory story that a law to establish press censorship was in the pipeline.[15] And when the law was introduced into the Legislative Council, the Standard denounced it as a "vicious" measure aimed at discriminating against "a weak class of citizens in favor of a large minority." In resenting the law, the paper argued that the press was the mouthpiece of the public and the advocate of the inalienable rights of the people as well as the medium through which the governed expressed their grievances and sought redress from governors. The paper said:

> Without universal suffrage, without representation of any kind, without a municipality or other agency by which it may be said that the people have any voice or hand in government, the press is the only means, feeble and ineffective as it often is, still it is the only means there is for restraining or checking abuses ....[16]

In another commentary, the Standard appealed to "all lovers of freedom" in England and abroad to assist the indigenous people in their struggle for freedom, including freedom of expression.[17]

The other Lagos newspaper at that time, the Lagos Weekly Record, on May 3, 1902, expressed similar opposition, denouncing the proposed ordinance as "inequitable and vicious in principle," adding that it was "a tyrannical measure designed to fetter the press and stifle public opinion." The paper described the ordinance as "a superfluous piece of legislation lacking warrant and ... wisdom and opposed to reason and equity." In another editorial opposing the law, the Lagos Weekly Record remarked that the law was being introduced as a result of "official bias and official arrogance," adding:

> Susceptibility to criticism on the part of those who govern is always looked upon as a bad sign for the reason that when those in power would presume themselves to be infallible and would brook neither interference nor criticism, the outcome is sure to be maladministration, and it is the consciousness of misdoing which engenders apprehension and develops sensitiveness to inquiry and criticism, the latter growing more acute as the tide of popular sentiment rises in opposition to misgovernment.[18]

As far as the mass residents of Lagos was concerned, the Newspaper Ordinance was not a welcomed measure. In a petition addressed to Governor MacGregor and members of the Legislative Council, the residents of Lagos demanded that the law should not

be introduced. In their opposition of the measure they argued:

> That the provisions for prepublications registration and execution of a five hundred pound bond with one or more sureties were unreasonable restraint on public liberty;
> That in a British Crown Colony where there was no representation of the people in the administration the press was the principal instrument which enabled the people publicly express their opinions and grievances;
> That in the long history of the Lagos press there had been only three cases of newspaper libel in which the penal awards were satisfied;
> That the proposed ordinance was based on a hypothesis which did not take into account that the interests of the local press were not limited to the individual owners, publishers and printers but that those interests extended to the public who had always identified its interests with those of the press by its readiness to share in any legal burdens imposed in the course of operation;
> That apart from the interests of the people, it was necessary in the interest of the Government that the press should be free and untrammelled;
> That the proposed ordinance in requiring security from owners, printers and publishers was an aggression on the liberty of the press and on free expression of opinion.[19]

In their petition, the residents of Lagos also claimed that the public would lose more if, in the attempt to protect government officials, press freedom were lost. They argued that press freedom provided "the only available means afforded the people of the colony and hinterland for exposing abuses, and for ventilating their views and opinions and grievances."[20] The petitioners also argued that the press was the instrument for exposing abuses, misconduct and graft by private individuals and government officials stationed in remote parts of the colony, adding that the law was an unnecessary restraint on the press to fulfill that function. They disputed the requirement for posting a bond against libel since nothing had been adduced to the

Legislative Council to show that the court had found any difficulty in enforcing its judgments in libel cases.

Echoes of public criticism of the law were also heard in the Legislative Council where the three Nigerian unofficial members of the council -- Christopher A. Sapara Williams, Dr. Obadiah Johnson and C. J. George -- relayed how the public felt about the press law. They opposed the law as a measure drafted by alien authorities to protect young and inexperienced British officers in Lagos from exposure. In his opposition of the law, Dr. Obadiah Johnson argued that press criticism was in the interest of the public because it would expose the incompetence of young inexperienced British officers. On the requirement that prospective publishers should post a bond, Dr. Johnson contended that the bond would not only hang as the "sword of Damocles over publishers" but would also act as a bait for frequent litigation for libel even on flimsy grounds. He said:

> ... the ordinance will be productive of ill to the community. It will effectually prevent the publication of newspapers locally, and cause a reversion to the methods of former days, when matters of local interests were ventilated in the African Times published in London. A retrogressive step. And if any is published at all, subjects of public interest can never be freely discussed, because of possible misunderstandings and vexatious prosecutions.[21]

In his opposition of the Newspaper Ordinance, C. J. George remarked that the law was "intended to place some difficulty in the way of the press and warned that: "Any obstacle in the way of publication of newspapers in this colony means throwing Lagos back to its position forty or fifty years ago."[22]

Christopher A. Sapara Williams' resentment of the press bill rang a loud bell in the Legislative Council. He noted that the government had justified the introduction of the law because the people of Trinidad had accepted a similar law without protest. In his criticism of the measure, he said:

> In the West Indian Colonies Europeans settle in large numbers with their families; circumstances might be produced from such a state of society which justified Government in passing such a law in order to protect themselves. In Lagos the case is different. We all know that many newspapers in England have become defunct in consequence of heavy damages and costs being awarded against the proprietors and publishers of such newspapers for libel actions. Has the government of the day in consequence thought fit to bring in a bill to compel every newspaper proprietor, printer and publisher to enter into such a bond as that contemplated by the Bill before the commencement of the printing and publication of newspapers? Certainly not. Why so in the colonies? ... The Bill seems to savour of class legislation which is most undesirable and objectionable. I have been severely criticized by these newspapers but I think nothing the worse of them. I say with all seriousness let us not attempt to stifle public opinion or bring down ourselves the odium of passing a measure which the native population feel is intended to put an end to adverse criticism of any measure we may pass or the policy of the government or the conduct of those holding positions under the Government.[23]

Sapara Williams argued that the principle that newspapers could not be published without the proprietor or publisher posting a bond was certainly repugnant to all sense of Justice, adding that it was an outrage upon the established principles of English liberty which the people of Lagos as subjects of the Crown had an undoubted right to. Invoking the right of the indigenous population as British subjects, well by virtue of the British annexation of Lagos in 1861, Sapara Williams said:

I know we are in the minority, and no doubt we are fighting a hopeless battle, but this does not alter the fact. And I hold that the principle that newspapers cannot be published without the proprietor or publisher giving a bond is certainly repugnant to all senses of justice and an outrage upon the established principles of English liberty which we as subjects of his Majesty the King have an undoubted right to.[24]

Rationale for public resentment

Why did the indigenous population resent the law? The law after all could have been welcomed because it required intending newspaper proprietors to deposit caution money that would be used to compensate members of the public in the event of libelous publications. Furthermore, the law could have been welcomed in the sense that it was to set a desirable precedent, giving the indigenous people freedom to own and enjoy their property undisturbed.

The indigenous population did not see the law in the above light; rather it was perceived as a misnomer. The people opposed it because they saw it as another in the chain of British imperial actions to subjugate the native population. This rationale explains why the press in other parts of West Africa,[25] joined the residents of Lagos in criticizing the law.
The tidal wave of public opposition -- of virtually any British colonial action -- that was sweeping through the colony at that period also helped fuel public opposition of the press law. For example, when the idea of a colonial church -- a church for whites only -- was muted in 1875, it was vehemently opposed and the government for a moment abandoned the idea.[26] Other government actions, including the policy on land also met with

opposition from the public.[27] The point being made here is that opposition of the 1903 Newspaper Ordinance was fuelled by the spirit and wave of public criticism of government actions during the first half of the nineteenth century.

For the educated Africans, the rationale for opposing law was different, somewhat selfish. Heroism was an incentive to oppose colonial government policy. During this period, the barometer for measuring the political stature and image of the educated African, was the intensity and hostility in his criticism of imperial policies. Hence, most of those who championed public criticism of the press law did not do so on purely altruistic nationalism, but did so for personal aggrandizement to be a hero.

The very nature of Crown Colony System of government which excluded the inhabitants of the colony from participating in the decision-making process of the affairs that affected them, was another factor that explains why the indigenous population opposed the press law. Having been excluded from participating in the government, the people looked up to an unregulated and free press as the only avenue through which they could check abuses of alien political authority and ventilate their views and opinions on issues that affected them. This rationale was well stated in a petition to Governor MacGregor that was signed by three hundred residents of Lagos, which said: "That in a British Crown Colony where there was no representation of the people in the administration the press was the principal instrument which

enable the people publicly express their opinions and grievances ...."[28] This point was also stated by the Lagos Standard as a rationale for resenting the press law when it said:

> Without universal suffrage, without representation of any kind, without a municipality or other agency by which it may be said that the people have any voice or hand in government, the press is the only means, feeble and ineffective as it often is, still it is the only means there is for restraining or checking abuses ....[29]

The tradition of freedom of the press, dating back to 1859, which the inhabitants of the colony had hitherto enjoyed, further explains why they resented the introduction of a law to regulate the press.

POST INDEPENDENCE AUTHORITARIAN RULE

Nigeria became independent of British rule on October 1, 1960. But remarkably enough, the second half of that decade and the next, was marked by military rule -- authoritarianism. The military made its debut in the political arena on January 15, 1966, and exited from the scene in October 1979. After few years of experiment with democracy, the military reentered the nation's political platform, on December 31, 1983, when Maj. Gen. Muhammadu Buhari raised the curtain for the commencement of Act Two of authoritarian rule in the country. Since then, Nigeria has been under military dictatorship.[30]

Throughout the years of military autocracy, a number of laws were promulgated to control the press.[31] Among those laws was Decree No. 4 of 1984 also Known as Public Officers (Protection Against False Accusation) Decree, which is the press law selected

for study for the post-independence period of this paper. Enacted by a military order on March 29, 1984 and published on April 4, 1984 in the official Federal Government Gazette, the press law criminalized false Press reports, written statements or rumor that exposed an officer of the military government, a state or the federal government to ridicule.[32] The most formidable section of the law provided that:

> Any person who publishes in any form, whether written or otherwise, any message, rumor, report or statement, being a message, rumor, statement or report which is false in any material particular or which brings or is calculated to bring the Federal Military Government or the Government of a state or public officer to ridicule or disrepute, shall be guilty of an offence under this Decree.[33]

The law empowered the head of the military junta to prohibit the circulation of any newspaper that might be detrimental to national security.[34] It provided for the trial of alleged offenders by a specially constituted military tribunal made up of members of the armed forced and a high court judge. It should be specially mentioned that members of the military court were persons trained in the art warfare not in the art of interpreting the law.

The law's essence

The objective of Decree No. 4, according to the military government, was to check the "excesses" of the press. This objective was publicly stated by Maj. Gen. Muhammadu Buhari during his first interview as head of the military junta. In that interview, he told three senior editors of the National

Concord that a law to check the "excesses" of the press in order to make it responsible, was being drafted.[35] This was the official government statement of the law's essence. However, the reasons for the promulgation of the law are far more than the military leader publicly admitted.

One of the reasons for introducing the law was to gag the press and muzzle public opinion from questioning the source of the military government's power to rule, its policies and actions. As soon as the military government came to power in the wake of the coup d'etat that toppled the civilian government of Shehu Shagari, the Nigerian Tribunne published a piece from a social commentator and critic, Dr. Tai Solarin, calling on the military to step down from political power and hand over the government to a civilian -- Obafemi Awolowo, leader of the proscribed Unity Party of Nigeria. It was in order to stave off such press comments that the military government promulgated Decree No. 4. In this respect, the rationale for drafting the Newspaper Ordinance (No. 10) of 1903 and Decree No. 4 of 1984 are similar.

The Buhari regime particularly drafted Decree No. 4 to stave off criticism that the regime was corrupt. During the military regime that immediately preceded Buhari's, a press editorial insinuated that the head of that regime, Gen. Murtala Mohammed, was corrupt.[36] The editorial said:

> We of this paper appeal to Brigadier Murtala Mohammed to let charity begin from home. If he should take the initiative by declaring his own assets and passing the ones he cannot account for to the state, then the war against corruption is half won.
>
> The present nation-wide whispering campaign being waged against him about his own alleged property in Kano and his fleet of vehicles must have been crushed before damage is done to his image and regime. After him, all his associates must follow suit; then none of us can hide under the slogan 'physician, heal thyself'.[37]

Just like his predecessor, Maj. Gen. Buhari launched a campaign against corruption in the country. But no sooner did he embark on the campaign than rumor began to spread like brush fire that Buhari was corrupt. As far as Buhari was concerned drafting a measure to stave off press statements that the head of the government or his officials were corrupt, was just the right thing to do.

The colonial and post-independence press laws were for all intent and purposes, similar. The governors at both periods explained that the laws were introduced to make the press more "responsible." The laws also shared similar covert objectives. Both were drafted to check press criticisms of government officials and their policies.

If the 1903 and 1984 press laws were alike in these respects, they were antithetical in some other ways. With respect to the former, the colonial government went through the formality of legislative process. At least the British colonial governors went through the motion of having the Legislative Council debate and vote on the introduction of the law. But the 1984 law was unilaterally promulgated by the ultra-mountain head of the

military dictatorship without going through any formality of being debated and voted on by the ruling Supreme Military Council (SMC).

Further, it took several months to pass the 1903 law. This was because it went through what may be labelled a "mock democratic process" in the Legislative Council officially made up of unelected alien members. But the 1984 press law took no time to be enacted. It was thought up overnight. It was passed very swiftly, taking the governed by "surprise" -- hence there was no room for public protestation of the law prior to its enactment as was the case with the 1903 press law. The other differences between the two laws were in their provisions stated earlier.

Public reaction

The introduction and enforcement of the press law triggered off nation-wide resentment that was reminiscent of that which characterized the introduction of the Newspaper Ordinance of 1903. Nigerians from all walks of life -- journalists, students, workers, politicians and the ordinary citizen -- resented the law.

The Technical Workers' Union of Nigeria for example, believed that the press law would not serve national interests. At the end of its 12th planery session in Enugu in mid-July 1984, the workers' union called on the head of the federal military junta to abrogate the decree "in the interest of natural

justice."[38] On July 9, 1984, the staff of the Union Bank at Isolo, Lagos sent a two-person delegation of B. O. Osikpmaiya and Mrs. Abiose, to the office of the Guardian newspaper to protest the law.

In their opposition of the law, members of the Nigeria Union of Journalists (NUJ) called on the Federal Military Government (FMG) to repeal the institutional control measure.
And when the FMG refused to give in to the workers' demand, the union took the matter to the court. On April 25, 1984, the NUJ instituted a court action against the Federal Military Government, challenging the constitutionality of the press law. The workers prayed a Lagos High Court to declare the press law unconstitutional and therefore "null and void."[39] The NUJ sought a perpetual injunction to restrain the Federal Attorney-General as "the chief law officer of the Federal Military Government together with all public officers from implementing the provisions and sections of the entire decree." In all, the NUJ sought six declaratory reliefs.[40] And althoug the NUJ lost the case, its resentment of the press law was clearly made known to the FMG.

The NUJ also expressed its resentment of the law by establishing an endowment fund in honor of the journalists who were jailed under the provisions of the law.[41] In addition, the Union submitted the names of the two journalists jailed under the decree to the prague-based International Union of Journalists (IOJ) and the Cairo-based African Association of Journalists

(AFJ) to be included for honor among the victims "in defence of democratic journalism."[42]

Nigerian university campuses also kicked against the institutional control measure. The National Association of Nigerian Students (NANS) for example, called on the military government to rescind the press law. The call was made by NANS through its president, Lanre Arogundade.[43] The students of the University of Science and Technology, Port Harcourt, decried the press law, and expressed sympathy for the law's victims:

> We, the Student Union of the Rivers State University of Science and Technology, Port Harcourt, join the comity of patriots to send our solidarity message over the fate of two of your illustrious colleagues, Nduka Irabor and Tunde Thompson, who by the force of Decree No. 4 have been sent to twelve-month incarceration.[44]

The students' Press Club of the Polytechnic, Ibadan, opposed the press law in an April 1984 press release jointly signed by two officers of the club, Ayo Adeniran (President) and Adeyemi Brown (Editor).[45] Students from other Nigerian universities, including University of Lagos,[46] Yaba College of Technology[47] and Obafemi Awolowo University,[48] also opposed the introduction and the enforcement of Decree No. 4.

Faculty members on the campuses also joined in the public criticism of the press law and the imprisonment of two journalists under the law's provisions. On April 25, 1984, for example, ten lectures at the University of Lagos resented the enforcement of the law, especially the detention of two Guardian editors under the law, and called on the military dictatorship to

repeal the press law, In a letter protesting the enforcement of the law, the lecturers said:

> We are particularly worried about this detention on which no official statement has been made to own knowledge. We feel that the law has its due process and if any or both of these two gentlemen have committed any breach of the law, they should be properly tried.
>
> In our view, their continuing (sic) detention cannot but hide the smooth flow of communication between journalists and the authorities who normally should be partners in the ongoing process of rebuilding a better Nigeria. It is on these scores that we fervently appeal for their release.[49]

And in a letter to the editor of the Nigerian Tribune, the University of Ibadan issued a press statement through its public relations officer, Sayo Ajiboye, condemning the enforcement of the law. The statement said:

> It is ironic that it is in these days when the nation is asking the people to discharge their duties honestly that Messrs Nduka Irabor and Tunde Thompson have to go to prison for an honest day's job .... We are calling on the Federal Military Government not to confirm the sentence handed down to these men as a sign of goodwill toward the freedom of the judiciary and the press under their reign.[50]

The press also resented the introduction of the law. Some editorials, mostly from privately-owned newspapers, called on the military government to repeal the press law. Others regularly reported news events at which members of the public resented the law. In an editorial, for example, the Punch, described Decree No. 4 as a "needless decree." The paper said:

The Punch feels very strongly that the Federal Military Government cannot unilaterally determine the yardsticks to measure what is deprecatory and what brings someone into disrepute.

The press should be allowed to operate unfettered if it should live up to its image as the people's parliament in a military era. If the people suddenly woke one morning to find all avenues through which they could unburden their feeling shut, it would amount to driving them from the arena of freedom to the silos of revolt. For a nation that has come so far in almost twenty-four years, Decree 4 is a needly decree.[51]

The Daily Times reacted to the press law in an editorial titled "Decree No. 4 Needs Review."

The Times argued that the law was unnecessary, and questioned its draftsmanship. It said:

We, however, feel that the excesses of the press can still be checked without drafting the decree in such a tight manner where the press cannot effectively assist the government in its cleansing job in the war against corruption, indiscipline and licentiousness.

It is our candid opinion, therefore, that the government should have a second look at the draftsmanship of Decree No. 4 for a possible review.[52]

It is of interest to point out that even the Daily Times, a newspaper in which the Federal Military Government has 60% equity shares,[53] joined the privately owned press to criticize the decree. That indicates how seriously the public resented the press law.

The ordinary citizen used the letter-to-the-editor column of the newspaper press to criticize the press law. One letter-to-the-editor which represented the general tone of public resentment of the decree was written by one Adimabua Ofili of Oshodi, Lagos. Titled "Decree No. 4 is superfluous," the letter

said:

> We (the masses) ... decry this very decree which is not, in the least, in our interest .... How can we believe that Buhari's corrective regime is now denying us a right (free flow of information) which we even enjoyed during Shagari's oppressive government? Has the Federal Military Government (FMG) forgotten that the press it is now prosecuting was the same that initiated and fought the war against Shagari/Unarn Dikko greedy corrupt government? ....
>
> We believe that our old laws take adequate care of careless and malicious writing.[54]

Opposition of the law also came from other quarters.[55]

Rationale for public resentment

Why did members of the public resent a law that was drafted to protect government workers and the government against false and damaging press reports? One of the rationales for public opposition of the law was that it was perceived as a measure to protect corrupt public officers of the military government from exposure. Apart from rumors that Maj. Gen. Buhari himself was corrupt, there were also accusations from the fleeing politicians that the in-coming soldiers were as corrupt as the civilians they unseated from power. The Promulgation of Decree No. 4 amidst these rumors and accusations of corruption account for why the public perceived it as an institutional measure to cover up corruption in the government. In this respect, the rationale for resenting the colonial press law was the same rationale for public opposition of the post-independence law. At both periods, the public perceived the laws as measures drafted to protect incompetent and corrupt officials.

A second rationale for public resentment of the law is that

in the absence of democratically elected government, the press was the most effective avenue by which the governed could express their views about the government. The introduction of Decree No. 4 was perceived as a measure aimed at closing that avenue of expression. The Punch made a similar point in an editorial when it said: "The press should be allowed to operate unfettered if it should live up to its image as the people's parliament in a military era ...."[56]

Further, the public opposed the law because it was perceived as a deprivation of the fundamental right of expression which was enjoyed and relished under past democratically elected governments and even under the less authoritarian military regimes of the past. A similar point was made by several individuals, one of who said with reference to the enactment of the law: "You will expect this kind of thing to happen in Equatorial Guinea."[57] Notably enough, the rationales for public resentment of the two laws at both periods of Nigerian journalism history are similar.

CONCLUSION

Any students of Nigerian history may identify two forms of authoritarian regimes that have governed the country. One was alien (British colonial government) and the other is indigeneous (military government). Both forms of authoritarian governments enacted press laws at various periods of Nigerian journalism history. This study primarily set out to investigate how the governed reacted to the press laws enacted by the alien and

indigenous authoritarian governments. We were interested for example, to discover whether the governed -- the indigenous people -- reacted more favorably or otherwise to the laws enacted by the indigenous authoritarian government than they did to the laws enacted by alien political authorities. We also attempted to find out the rationales for the enactment of the press laws as well as the factors that accounted for public resentment or approval of the laws.

The study concludes that the introduction of the first press law by an alien political authority, met with public resentment that was reminiscent of public opposition of the press law enacted by the Muhammadu Buhari military regime. The objectives of the press laws were found to be about the same, and the rationales for public resentment of the laws were congruent. One other point that might be somewhat elaborated here is the similarity in the ways the public reacted to the laws. During the regimes of the alien and indigenous political authorities, members of the public resented the enactment of the laws, and they made their feelings clearly known to the authorities. Resentment of the laws were championed by the educated citizens. Interestingly enough, they used the press which was the instrument the authorities sought to control in expressing their criticisms. This leads us to conclude that attempts to suppress the Nigerian press led to more expression.

During the colonial period, the residents of Lagos colony protested against the Newspaper Ordinance of 1903, and sent a

petition to the Secretary of State, to make their opposition known. Similarly, members of the public at the latter period made their opposition of Decree No. 4 of 1984 known to the government by calling for the repeal of the law. However, while the petition in the first period was signed collectively by residents of Lagos, public petition of Decree No. 4 of the post-independence period, was done individually. Further, whereas public petition of the 1903 law was addressed and sent directly to the government, petitions of the 1984 law were sent to newspaper editors or were made orally at public gatherings. For example, M. K. O. Abiola, Chairman of the proscribed National Party of Nigeria, and one-time presidential aspirant, criticized Decree No. 4 in a speech at an NUJ fund-raising rally. Another prominent individual, Godwin Daboh, also criticized the press law in a speech at a public gathering.[58] It should be also said that there were more criticisms of the 1984 press law than there were of the 1903 law. This, however, does not mean that the public at the colonial period was less resentful of press laws. The levels of literacy and the population of the society at both periods may explain why more people opposed the post-independence law than the colonial ordinance.

Another dissimilarity in the manner of public opposition of the laws is that during the colonial period, Nigerians took their criticisms of the colonial press law directly to the Legislative Council. But opposition of Decree No. 4 was never made in the Supreme Military Council, the ruling body comprised of gun-

totting soldiers. The existence of Decree No. 2 of 1984, under which anyone could be arrested and detained in the interest of national security may have restrained members of the public from going further then they did in opposing Decree No.4. And although the governed were excluded from the Supreme Military Council, they nevertheless took their opposition of the law to the "people's parliament," the letter-to-the-editor column of the newspaper press.

ENDNOTES

1. In the twenty-eight years of the post-independence period, the armed forces have ruled for eighteen years as against nine years of civilian rule.

2. Every scholar of Nigerian press has credited Iwe Irohin as the first newspaper in Nigeria. However, two well respected sources tend to indicate that a newspaper or newspapers were published in Nigeria before the Iwe Irohin was established. One of them, Esuakema U. Oton, has done pioneer works on Nigerian journalism history. For his argument on the newspapers printed before Iwe Irohin, see Journalism Quarterly, Vol. 35, 1958, p. 73. The other, is professor Tekena Tamuno of the University of Ibadan who argued: "It is true that from 1855 the United Free Church of Scotland mission at Old Calabar had published a monthly newspaper Unwana Efik (The Light of Calabar) and subsequently the Obukpon Efik (The Horn of Efik)." See Tekena N. Tamuno, The evouluation of Nigerian state: The southern phase, 1898-1914. New York: Humanities Press, Inc., 1972, p. 55.

3. Increase H. E. Coker, Landmarks of the Nigerian press. Lagos: Nigerian National Press, Ltd., 1968.

4. Fred Omu, Press and politics in Nigeria 1880-1937. London: Longman Group Ltd., p. 176.

5. H. C. Deb. 5s. 15, 22 March 1909, 929. Cited in Tekena N. Tamuno, The evolution of the Nigerian state...., p. 106.

6. Michael Crowder, "Whose dream was it anyway? Twenty-five years of African independence," African Affairs, vol. 86, no. 342, 1987, p. 12.

7. For an understanding of some of the advantages of conducting case studies, see e.g., Roger D. Wimmer and Joseph R. Dominick, Mass media research: An introduction. Belmont, California: Wadsworth Publishing Company, 1987, pp. 156-155.

8. For the details of the vital part of the "Treaty with Lagos," which ceded the Lagos Island and its environs to the Crown and her Heirs, see e.g., B. O. Nwabueze, A constitutional hsitory of Nigeria. London: C. Hurst and Company, 1982, p. 7.

9. For details of these laws, see e.g., Increase H. E. Coker, Landmarks of the Nigerian press. Lagos: National Press Ltd., 1968.

10. Nanmdi Azikiwe, My odyssey: An autobiography. New York: Praeger Publishers, 1970, p. 316.

11. Laws of southern Nigeria, Lagos, 1908. Cited in Fred Omu, Press and politics in Nigeria ...., p. 180.

12. CSO. 7/1/4, Legilative Council debates, June 4, 1905.

13. Fred Omu, Press and politics in Nigeria ...., p. 175.

14. Tekena Tamuno, The evolution of Nigerian state ...., p. 113.

15. Lagos Standard, Nov. 27, 1901.

16. Lagos Standard, April 30, 1902.

17. Lagos Standard, June 10, 1903.

18. Lagos Weekly Record, June 13, 1903.

19. C. S. O. 1/1/43, MacGregor to Chamberlain, July 5, 1902.

20. CO. 147/168, C. A. Williams to C. O., 22 June 1903. Cited in Tekena Tamuno, The evolution of the Nigerian state...., p. 111.

21. Government Gazette, Colony of Lagos, March 7, 1903, p. 175.

22. Ibid.

23. Ibid., pp. 174-177.

24. Governnment Gazette, colony of Lagos, June 13, 1903, p. 350. See also CSO. 7/1/4, Legislative Council Debates, 8 June 1903.

25. The press in the Gold Coast (now Ghana) and Sierra Leone, for example, joined Lagosians in resenting the Newspaper Ordinance. The Gold Coast Leader in a commentary titled "The people of Lagos gagged," described the law as a piece of oppressive, iniquitous and gagging Legislation," and the Sierra Leone Weekly News also condemned the law. See Fred Omu, Press and politics in Nigeria ...., p. 179.

26. For the details of public opposition of the colonial church scheme, see e.g., E. A. Ayandele, Nigerian historical studies. London: Frank Cass and Company Ltd., 1979.

27. For some of the criticisms of the policy on land and other actions, see e.g., G. Padmore, How Britain rules Africa. New York: Negro University Press, 1969.

28. C. S. O. MacGregor to Chamberlain, July 5, 1902.

29. Lagos Standard, April 30, 1902.

30. The military government now headed by Gen. Ibrahim Babangida has promised to return the country to a democratically elected government in 1992. Local government elections which have been held and other national elections that have been scheduled appear to indicate that the military junta will make good its promise.

31. Some of those laws promulgated to control the press included the following:

i) Decree No. of 1 of 1966 which suspended and modified sections of the 1963 Republican Constitution. For details of the law, see e.g., official Gazette Extraordinary, Federal Republic of Nigeria, March 4, 1966.

ii) Decree No. 44 of 1966 (Defamation and Offensive Publications Decree). For details of this law see e.g., Supplement to Official Gazette Extraordinary, federal Republic of Nigeria, June 20, 1966.

iii) Morning Post and Sunday Post (Prohibition) Edict enacted on May 8, 1967 by Gen. Adebayo in the Western State.

iv) Decree No. 17 of 1967, (Newspapers Prohibition of Circulation) Decree. For the details of this press law, see e.g., Supplement to Official Gazette Extraordinary, Federal Republic of Nigeria, May 30, 1967.

v) Decree No. 24 of 1967, Armed Forces and Police (special powers) Decree. For details of this decree see Supplement to Official Gazette Extraordinary, Federal Republic of Nigeria, June 21, 1967.

vi) Decree No. 53, Trade Dispute Decree.

vii) Decree No. 11 of 1976, Public Officers (Protection Against False Accusation) Decree.

viii) Newspaper (Prohibition of Circulation) (Validation) Decree No. 12, 1978.

ix) The Daily Times of Nigeria Limited (Transfer of Certain Shares) Decree No. 101 of 1979. For the details of this law see Supplement to Official Gazette Extraordinary Federal Republic of Nigeria, September 29, 1979.

x) Decree No. 4 of 1984, Public Officers (Protection Against False Accusation) Decree. For the details of the law, see Supplement to Official Gazette Extraordinary, April 4, 1984.

xi) Decree No. 13, Federal Military Government (Supremacy and Enforcement Powers) Decree of 1984. For the details of the above laws, see also Chris W. Ogbondah, Nigeria's Decree No. 4: A Sword against the Pen. Ph.D dissertation, Southern Illinois University, Carbondale, 1986, pp. 196-203.

32. For details of the law and its effects on the press, see e.g., Chris W. Ogbondah, "In the wake of military dictatorship: The tribulation of Nigerian press." Paper presented at the Southeast Regional Colloquium of the AEJMC, Blacksburg, Virginia, March 20, 1987; see also Chris W. Ogbondah, "Nigerian Journalism and Decree no. 4: An antithesis of press tradition." Paper presented at the International Communication Association (ICA),

Montreal, Canada, May 1987.

33. Supplement to official Gazette Extraordinary, Federal Republic of Nigeria, April 4, 1984, p. A 53.

34. Ibid., p. A 54.

35. National Concord, Feb. 16, 1984, p.1.

36. The background to the press editorial was Gen. Murtala Mohammed's anti-corruption campaign. The General had empaneled a Public Complaints Commission so that citizens could tell what they knew about corrupt public officers. Ironically enough, however, it turned into a boomerang on Gen. Mohammed when the African Spark news magazine insinuated that the Head of State himself was corrupt.

37. African Spark, October 1975, p. 6.

38. The Punch, July 17, 1984, p. 1.

39. Daily Sketch, April 26, 1984.

40. The NUJ sought the following declaratory reliefs:
1) A declaration that the action is justifiable and that, not withstanding the provisions of Section 5 of Decree No. 1. of 1984 and Section 9 of Decree No. 4 respectively, the court is vested with jurisdiction to entertain the suit having regard to Sections 6, 236, 13, 14, and 21 among others of the 1979 Constitution.
2) A Declaration that Decree No. 4 constitutes an executive interference with the freedom of the press and/or a prior censorship of the Nigerian press which is unlawful, unconstitutional, null and void.
3) A declaration that the concept -- freedom of the press - is a legal right vested in the plaintiff and, by seeking to interfere with and destroy this right, the said Decree No. 4 of 1984 is unlawful, unconstitutional and a total nullity.
4) A declaration that the said Decree No. 4 to the extent that it seeks to deny the plaintiffs their right to freedom of expression is unconstitutional, null and void, particularly having regard to Sections 14, 21 and 36 of the 1979 Constitution as amended by Decree No. 1 of 1984.
5) A declaration that Section 9 of Decree No. 4 which seeks to oust the jurisdiction of the court in relation to the validity of "any direction, notice or order given to it" under the decree, is null and void in so far as it conflicts with Sections 6 and 236 of the 1979 Constitution.
6) A declaration that Section 8, Subsection 4 of Decree No. 4 which seeks to oust the jurisdiction of court conflicts with Section 6 of the 1979 Constitution as amended by Decree No. 1 of 1984 and therefore null and void (Daily Sketch, April 26, 1984).

41. For some of the details of the endowment fund, see The Guardian, July 16, 1984, p. 5.

42. National Concord, July 23, 1984, p. 7. see also The Guardian, July 20, 1984, p. 24.

43.The Guardian, July 13, 1984, p. 5.

44. The Guardian, July 16, 1984, p. 5.

45. Daily Sketch, May 3, 1984.

46. See e.g., The Guardian, July 13, 1984, p. 5.

47. See e.g., The Guardian, July 12, 1984, p. 5.

48. Ibid.

49. The Guardian, April 26, 1984.

50.Nigerian Tribune, July 12, 1984, p. 2.

51. The Punch, May 2, 1984.

52. Daily Times, April 23, 1984, p. 3.

53. The Federal Military Government partially took over the Daily Times when it bought 60% of the Times' equity shares, and normalized the transfer of the shares of the paper under the provisions of Decree No. 101 of 1979. For the provisions of that decree, see Supplement to Official Gazette Extraordinary, Federal Republic of Nigeria, September 29, 1979.

54.. National Concord, July 4, 1984, p. 2.

55. For details of how other sectors of the public resented the press law, see e.g., The Guardian April 30 & July 16, 1984; The Punch, April 30, 1984 & July 12, 1984; Daily Sketch, May 1, 1984 and Nigerian Tribune, May 6, 1984.

56. The Punch, May 22, 1984.

57. Sunday Concord, July 18, 1984.

58. See part of Daboh's criticism of Decree No, 4 in The Guardian, July 20, 1984, p. 24.

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